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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/294,950 04/20/99 TOBIN

D 772-26

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PM82/0218

EXAMINER

WEBB, C

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 02/18/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/294,950

Applicant(s)
Tobin et al.

Examiner
Collin A. Webb

Group Art Unit
3653



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-14 _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-14 _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Objections

Claim 13 is objected to because of the following informalities: on line 1, the claim recited "traction" rather than "tracking." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 7, Applicant recites an "overhang support." Does Applicant mean an *overhanging* support, as the drawings suggest?

While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term "armature" in claim 1 is used by the claim to mean "arm," while the accepted meaning is "a piece of soft iron or steel that connects the poles of a magnet or of adjacent magnets."

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The preamble of claim 13 recites a method of "providing positive traction to print media...." The remainder of the claim is directed to a method for assembling an apparatus, which will result in positive tracking of the media. Does Applicant intend to claim the method for assembly, as the body suggests, or the method of providing positive tracking, as the preamble suggests? The method of providing positive tracking would include the steps of loading the print media (or medium) through the tracking guide, adjusting the position of the tracking guide, or other similar steps related to the use of the apparatus.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 7, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wanat '664.

Wanat '664 disclose a print media tracking guide comprising a guide housing 72 the guide housing being mounted in a printing apparatus and an armature 50 rotatably coupled to the guide housing, the "armature" including a head member (the spiked wheel) selectively biased against the guide housing.

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With regard to claim 2, Wanat '664 disclose an overhang support **70**. Although Wanat '664 does not disclose or suggest an overhang, he clearly suggests an overhang *support*. An overhang support is any element capable of supporting an overhang.

With regard to claim 10, the overhang includes a slotted area (Fig. 4).

With regard to claims 13 and 14, the media tracking guide is on a hub in a printing apparatus.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Gregory et al. '656.

Gregory et al. '656 disclose a print media tracking guide comprising a guide housing **27** the guide housing being mounted in a printing apparatus and an armature **24** rotatably coupled to the guide housing, the "armature" including a head member (the spiked wheel) selectively biased against the guide housing. The guide housing includes a core member **26** and overhang support **23** in spaced relationship with one another, the core member and overhang support being rigidly coupled to a flange portion. That is, whatever the overhang support and the flange portion are connected to, it is the flange portion of that part. The claim does not specify what part has a flange, or whether it is the same flange on the same part to which both the overhang and the core member are attached.

With regard to claims 13 and 14, the media tracking guide is on a hub in a printing apparatus.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanat '664.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to bias the head against the guide housing via a spring.

Allowable Subject Matter


Claims 3, 9, 11 and 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not disclose or fairly suggest a media path along the outer peripheral portion of the core member.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Collin Webb whose telephone number is (703) 305-0233.


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

/CAW

February 14, 2000